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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/075,179

02/14/2002

Arthur M. Shand

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39262 7590 05/08/2006

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EXAMINER

VO, HIEN XUAN

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/075,179	<b>Applicant(s)</b> SHAND, ARTHUR M.	
	<b>Examiner</b> Hien X. Vo	<b>Art Unit</b> 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/09/06.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-26, 28-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (U.S. Patent No. 6,418,346) and further in view of Smith et al. (U.S. 2005/0065678).

With respect to claims 1, 21-22, 26, Nelson et al. disclose apparatus and method for remote therapy and diagnostic in medical devices via interface system including a housing (see e.g. Fig. 5, item 20); a processor located within the housing (see e.g. Fig. 4, item 110), wherein the processor includes: a microbrowser module configured for communicating with an external source of information (see e.g. col. 7, lines 26-29); an input device located on the housing and coupled to the processor (see e.g. col. 12, lines 14-18); and a display screen located on the housing and coupled to the processor (see e.g. Figs. 3A and col. 12, lines 19-37) except for teaching a diagnostic module configured for analyzing information received from the external source of information in a predetermined sequence configured to emulate a process for diagnosis by the portable device. However, Smith et al. disclose an enterprise resource planning system

with integrated vehicle diagnostic and information system including a diagnostic module (see e.g. paragraph 0024) configured for analyzing information received from the external source of information (see e.g. paragraphs 0030-0031) in a predetermined sequence configured to emulate a process for diagnosis by the portable device (see e.g. paragraph 0025, 0032). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nelson to have a diagnostic module for analyzing information received from the external source of information as taught by Smith in order to conduct fault analysis, diagnostic monitoring and parameter modifications.

With respect to claims 2-6, Nelson et al. disclose the invention as claimed including the external source of information includes a WAP network (see e.g. Fig. 6B and col. 3, lines 19-21), the WAP network includes a mobile communication network, and a data network configured for communication with the mobile communication network and the Internet (see e.g. col. 7, lines 45-56), the mobile communication network includes a device selected from the group of devices consisting of a base substation, a mobile switching center, an interworking function, and a remote access server (see e.g. Fig. 5), the data network includes a device selected from the group of devices consisting of an internet protocol router, a remote access dial-in user services server, a WAP server, an authentication server, and a domain name Server (see e.g. col. 10, lines 1-16), the external source of information includes a server connected to the Internet (see e.g. col. 7, lines 26-29).

With respect to claims 8-20, Nelson et al. disclose the invention as claimed including the input device includes an input device selected from the group consisting of a keypad, a mouse, a trackball, and a touch screen, the display screen includes a display screen selected from the group consisting of an LCD display screen, a passive matrix display screen, and a TFT active matrix display screen. (see e.g. col. 12, lines 13-37), a power source located within the housing and coupled to the processor (see e.g. Fig.4, item 114), a radio frequency transceiver located within the housing and coupled to the processor, an antenna originating within the housing and protruding therefrom (see e.g. col. 11, lines 52-55), a modem located within the housing and coupled to the processor (see e.g. col. 10, line 3), a speaker, a microphone located within the housing and coupled to the processor (see e.g. col. 6, lines 37-39), a memory device, a volatile memory, a random access memory, a non-volatile memory, an electrically erasable programmable read only memory. (see e.g. Figs. 2, item 76, Fig. 4, item 108).

3. With respect to claims 23-25 and 28-30, the limitations of these claims have been noted in the rejection above. They are therefore consider rejected as set forth above.

4. Applicant's arguments with respect to claims 1-6, 8-26, 28-30 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282.

The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo  
04/30/06

BRYAN BUI  
PRIMARY EXAMINER

